

DOCKET NO. 25004

Complaint and Request of)
)
 EL PASO NETWORKS, LLC,)
) BEFORE THE PUBLIC
 For Interim Ruling for Post) UTILITY COMMISSION
 Interconnection Agreement) OF TEXAS
 Dispute Resolution With)
 Southwestern Bell Telephone)
 Company)

DOCKET NO. 25188

Petition of)
)
 EL PASO NETWORKS, LLC,)
)
 For Arbitration Pursuant to)
 Section 252(b) of the) BEFORE THE PUBLIC
 Communications Act of 1934,) UTILITY COMMISSION
 as amended by the) OF TEXAS
 Telecommunications Act of)
 1996, and PURA for Rates,)
 Terms, and Conditions of)
 Interconnection Agreement)
 with Southwestern Bell)
 Telephone)

COPY

ORAL DEPOSITION OF

DWAYNE CUNNINGHAM

APRIL 10, 2002

EXHIBIT

EPN - 41

1 ORAL DEPOSITION of DWAYNE CUNNINGHAM,
2 produced as a witness at the instance of El Paso
3 Networks, and duly sworn, was taken in the above-styled
4 and numbered cause on the 10th of April, 2002, from
5 12:15 p.m. to 3:32 p.m., before Nancy P. Blankenship,
6 CSR in and for the State of Texas, reported by machine
7 shorthand, at the offices of Hughes & Luce, LLP, 1717
8 Main Street, Suite 2800, in the City of Dallas, County
9 of Dallas, State of Texas, pursuant to the Texas Rules
10 of Civil Procedure and the provisions stated on the
11 record.

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A P P E A R A N C E S

FOR EL PASO NETWORKS LLC:
Mr. Stephen Crawford
1001 Louisiana
Houston, Texas 77002
(713) 420-5896

FOR SOUTHWESTERN BELL TELEPHONE COMPANY:
Mr. Floyd R. Hartley
HUGHES & LUCE, LLP
1717 Main Street, Suite 2800
Dallas, Texas 75201

ALSO PRESENT:
Patty Hogue

I N D E XWITNESSPAGE

DWAYNE CUNNINGHAM

EXAMINATION BY MR. CRAWFORD

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EXAMINATION BY MR. HARTLEY

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EXAMINATION BY MR. CRAWFORD

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P R O C E E D I N G S

DWAYNE CUNNINGHAM,

having been first duly sworn, testified as follows:

EXAMINATION

BY MR. CRAWFORD:

Q. Hi, Mr. Cunningham. My name is Steve Crawford. We just met for the first time, right?

A. Yes, sir.

Q. Do you understand, sir, that I'm the attorney for El Paso Networks?

A. Yes.

Q. And that El Paso Networks and Southwestern Bell Telephone Company, which I will refer to as SWBT, probably, throughout the deposition, are currently in an arbitration proceeding regarding the interconnection agreement?

A. I'm aware that there is some litigation going on.

Q. Some stuff going on?

A. Yes.

Q. That's about all you need to know, right?

And you understand that Mr. Hartley here is SWBT's attorney?

A. Yes, I do.

Q. And that he is here to defend your deposition

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12:16:50 1 today?

12:16:50 2 A. Yes.

12:16:51 3 Q. Okay. I want you to understand something,

12:16:56 4 Mr. Hartley, (sic) that you are basically in control of

12:16:59 5 how we proceed today. If you need a break, you just let

12:17:03 6 me know, to stretch your legs, use the rest room,

12:17:06 7 whatever, I want you to be comfortable throughout this

12:17:09 8 process, whatever you want to do. You're in control.

12:17:12 9 Okay?

12:17:13 10 A. Okay.

12:17:13 11 Q. Also --

12:17:16 12 MR. CRAWFORD: Did we swear him in yet?

13 THE REPORTER: Yes.

14 MR. CRAWFORD: How do I keep missing

15 that?

12:17:19 16 MR. HARTLEY: That's not the important

12:17:21 17 part.

12:17:21 18 Q. You understand, sir, that you have taken a

12:17:25 19 sworn oath for your testimony today?

12:17:26 20 A. Yes.

12:17:27 21 Q. And you understand what that means?

12:17:28 22 A. Yes.

12:17:30 23 Q. Okay. Sir, just so you understand about

12:17:32 24 clarifications of the questions and answers, I'll be

17:34 25 asking questions, you'll be answering. There are times

12:17:38 1 that either I'll talk too fast or my speech will get
 17:42 2 garbled or I'll use a term you don't understand. I
 12:17:46 3 would ask you to stop me and ask for a clarification
 12:17:48 4 before you give me your answer. Okay?

12:17:49 5 A. Okay.

12:17:50 6 Q. Is that fair?

12:17:50 7 A. Yes.

12:17:51 8 Q. And I do not want you answering something you
 12:17:54 9 don't understand. Okay?

12:17:55 10 A. Yes.

12:17:56 11 Q. Okay. And the other point is you can't nod
 12:17:59 12 your head, because she's taking down verbal questions
 12:18:03 13 and answers, so you have to say yes or no or whatever
 12:18:05 14 the answer is.

12:18:06 15 A. I will respond.

12:18:08 16 Q. Okay. Mr. Cunningham, have you ever been
 12:18:12 17 deposed before?

12:18:13 18 A. No, sir.

12:18:13 19 Q. Have you ever given your testimony before?

12:18:15 20 A. No.

12:18:17 21 Q. Okay. Have you ever won any awards or
 12:18:19 22 received any special recognitions during your tenure at
 12:18:25 23 Southwestern Bell Telephone Company?

12:18:26 24 A. Yes, I have.

18:26 25 Q. What type of awards or recognition did you

12:18:29 1 receive?

12:18:29 2 A. I've received vice president awards and
12:18:32 3 president's award for -- from the company.

12:18:36 4 Q. And what special achievement were those awards
12:18:40 5 recognizing you for to your peers?

12:18:43 6 A. I was recognized for, I guess, devising --

12:18:54 7 Q. Big sales?

12:18:56 8 A. Some is for optimization of my customer's
12:19:02 9 network, and I received another one for the sales that I
12:19:08 10 accomplished for my customer.

12:19:10 11 Q. In optimizing a customer's network, what does
12:19:14 12 that involve?

12:19:15 13 A. We looked at reconfiguring their network to
12:19:19 14 better utilize their existing infrastructure.

12:19:23 15 Q. Their network or your network?

12:19:25 16 A. Their network.

12:19:26 17 Q. So everything on their side of the demarc?

12:19:28 18 A. Correct.

12:19:31 19 Q. Very good.

12:19:32 20 And the other award for reaching sales
12:19:36 21 levels, what was that about?

12:19:38 22 A. That I achieved 160 percent of my quota.

12:19:45 23 Q. Is that quota based on revenues or profit or
12:19:47 24 what?

19:48 25 A. It was based on contract sales.

12:19:53 1 Q. Contracts?

12:19:54 2 A. Special access.

12:19:55 3 Q. Special access contract sales. In terms of

12:19:59 4 your quota, do all special access account managers have

12:20:05 5 quotas?

12:20:07 6 A. Not all account managers have quotas.

12:20:10 7 Q. Most of them?

12:20:11 8 A. It -- it would depend on if you're a

12:20:15 9 commissioned sales position account manager or not.

12:20:18 10 Q. And you at that time were in a commission

12:20:22 11 based account manager position?

12:20:24 12 A. Yes, I was.

12:20:25 13 Q. Are you still?

12:20:27 14 A. Yes, I am.

12:20:34 15 Q. In terms of sales that qualify for your

12:20:38 16 commission quota, do you add up the entire value of the

12:20:45 17 contract or do you take like a month, or what number do

12:20:48 18 you use on the contract?

12:20:50 19 A. I look at contract sales, what the contract

12:20:53 20 for the life of the contract is.

12:20:55 21 Q. So if it's a \$3,000-a-month contract for 36

12:21:00 22 months, do you just multiply that to get the value

12:21:03 23 toward your quota?

12:21:05 24 A. Yes, I would.

12:21:06 25 Q. Okay. So to say it a different way, because

12:21:09 1 my math is not that good, but if it were \$3,000 a month
21:16 2 for 12 months, you would get a \$36,000 quota allocation?

12:21:21 3 A. That would be what the commission is based on.
12:21:24 4 There is a factor that is applied to the contract value
12:21:26 5 for the actual payout of the commission for
12:21:29 6 compensation.

12:21:30 7 Q. So do you get both a commission paid to you
12:21:33 8 based on the value of the contract and it also counts
12:21:37 9 against your quota in a certain way?

12:21:39 10 A. Well, I have a special access quota, which is
12:21:42 11 the amount of special access that is billed to the
12:21:48 12 customer for that year, what their booked revenues are.

12:21:51 13 Q. Okay. So the quota is based on what's billed
12:21:57 14 to the customer?

12:21:58 15 A. Correct.

12:21:58 16 Q. What about collections? Do they factor into
12:22:03 17 it at all?

12:22:03 18 A. We look at billed revenue.

12:22:07 19 Q. That's good. That's better than collections.

12:22:10 20 Okay. And I got off the track,
12:22:16 21 Mr. Cunningham. Tell me, Mr. Cunningham, what is your
12:22:19 22 current job title?

12:22:20 23 A. Account manager industry markets.

12:22:33 24 Q. What department is that in?

22:34 25 A. It's in industry markets.

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12:22:35 1 Q. That is the department. How many years have
 12:22:41 2 you been an account manager for industry markets?
 12:22:44 3 A. Twelve years.
 12:22:46 4 Q. Before that what were you?
 12:22:48 5 A. I was a member of technical staff at Bellcore.
 12:22:58 6 Q. What did you do in that position?
 12:23:01 7 A. I was the synchronization coordinator for the
 12:23:09 8 RBOCs at the time and fiber maintenance engineering.
 12:23:21 9 Q. Okay. Now, when you say account manager for
 12:23:23 10 industry markets, what is the general job description
 12:23:28 11 for that position? What are your job obligations?
 12:23:31 12 A. My current job responsibilities, I function as
 12:23:36 13 a network design manager for Qwest Communications, which
 12:23:40 14 is my customer. I look at -- I'm basically a
 12:23:46 15 facilitator for the services that they order for DS3 and
 12:23:50 16 above and implementation of their SONET rings.
 12:24:03 17 Q. So like you're their dedicated account manager
 12:24:07 18 for DS3 and above capacity lit circuits and SONET rings
 12:24:14 19 in general?
 12:24:14 20 A. For their services that they order in
 12:24:18 21 Southwestern Bell territory, Northern California and
 12:24:23 22 Nevada.
 12:24:28 23 Q. Now, are all the services they order from you
 12:24:33 24 special access services?
 12:24:36 25 A. Well, they don't order them from me, per se.

12:24:40 1 They will place their order with the access service
12:24:43 2 center.

12:24:43 3 Q. Okay.

12:24:44 4 A. The only portion that I deal with is the
12:24:46 5 special access.

12:24:48 6 Q. And do they call you directly on the special
12:24:52 7 access piece or does that go through the access service
12:24:55 8 center, also?

12:24:58 9 A. Now, what do you mean do they call me
12:25:00 10 directly?

12:25:01 11 Q. Well, I imagine they call you directly on a
12:25:04 12 fairly regular basis, because you're their man, right?

12:25:06 13 A. On certain aspects. For SONET ring
12:25:12 14 implementation, I'm their first point of contact
12:25:18 15 for, like I said, the territories that I support. I am
12:25:23 16 a -- not the first point of contact for their expedites
12:25:30 17 or escalations for some of the services that they've
12:25:33 18 requested, but I get calls directly for those.

12:25:36 19 Q. Are you the first point of contact for
12:25:39 20 anything deemed special access?

12:25:40 21 A. The SONET rings are.

12:25:43 22 Q. So SONET rings -- all SONET rings are deemed
12:25:48 23 special access?

12:25:49 24 A. Yes, they are.

12:25:49 25 Q. And this has always confused me, so help me

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12:25:53 1 understand, when you say special access, what do you
25:56 2 mean?

12:25:57 3 A. If it is ordered out of certain sections of
12:26:00 4 the FCC tariffs. In Southwestern Bell, it could be out
12:26:07 5 of Section 7, Section 19, Section 20, and in Pacific
12:26:16 6 Bell it's in Section 7.

12:26:20 7 Q. Sections 7, 19 and 20. Now, I also hear
12:26:27 8 Section 73. What is 73?

12:26:29 9 A. FCC 73. That is the FCC tariff number.

12:26:34 10 Q. That's the whole tariff number?

12:26:37 11 A. Right, for Southwestern Bell.

12:26:38 12 Q. And you focus on Sections 7, 19 and 20?

12:26:41 13 A. Yes.

12:26:43 14 Q. Now, when they call you, they don't say, oh, I
12:26:46 15 want one of those things out of FCC tariff 73,
12:26:51 16 Section 7. They just say, I want a SONET ring, right?

12:26:54 17 A. We work with their planning department to
12:26:57 18 determine what Qwest is wanting to order capacity-wise
12:27:02 19 and configuration-wise --

12:27:04 20 Q. Right.

12:27:04 21 A. -- and they will -- we will give them a quote
12:27:08 22 on what the cost would be to provide that service.

12:27:12 23 Q. And they like the tariff, because it's
12:27:14 24 generally less expensive, or is it more expensive?

27:18 25 A. I only sell services out of the tariff, so I

12:27:22 1 can only quote the tariff price.

27:24 2 Q. And they know that?

12:27:26 3 A. Yes.

12:27:26 4 Q. So through the relationship you have with

12:27:28 5 Qwest, they understand you're the special access guy,

12:27:32 6 you're going to give them a special access quote, but

12:27:34 7 you work with them enough there's enough value added

12:27:38 8 there that that works?

12:27:39 9 A. Yes.

12:27:42 10 Q. So you sell them a lot of SONET rings?

12:27:48 11 MR. HARTLEY: Object, form.

12:27:50 12 Q. Well, the products you sell Qwest tend to be

12:27:54 13 SONET rings and DS3 point-to-point circuits?

12:27:58 14 A. That's what they order from us. I mean, we --

12:28:02 15 Q. So they order from SWBT?

12:28:04 16 A. Yes.

12:28:06 17 Q. In terms of them, do they order anything else

12:28:12 18 out of the special access tariff, for instance, other

12:28:16 19 than those?

12:28:17 20 A. Yes.

12:28:18 21 Q. Like what else?

12:28:20 22 A. DS1, DSO, DDS.

12:28:29 23 Q. And then the SONET rings I imagine can have

12:28:34 24 capacities at all levels?

28:35 25 A. We have our tariffed offer: OC-12s, OC-48s

12:28:43 1 and OC-192s.

12:28:49 2 Q. Now, regardless of the customer, have you sold

12:28:52 3 any OC-192s?

12:28:54 4 A. Yes.

12:28:58 5 Q. Have they been provisioned?

12:29:00 6 A. Yes, they have.

12:29:04 7 Q. And is that CO to CO, CO to customer prem, POP

12:29:10 8 to CO? What was the configuration?

12:29:12 9 A. The configuration was a two-node ring POP to

12:29:17 10 CO.

12:29:26 11 Q. And that was purchased out of the FCC 73

12:29:30 12 tariff?

12:29:30 13 A. Yes, it was.

12:29:44 14 Q. I'd like to -- I really want to understand

12:29:48 15 what you do, okay, so what I thought the best way to do

12:29:51 16 is just to get a hypothetical so I can understand what

12:29:54 17 you do on a regular basis, how orders flow through the

12:29:57 18 system, et cetera. I'm going to start with a hypo

12:30:01 19 where, say -- you mentioned Qwest. Qwest needs an OC-48

12:30:06 20 on a certain configuration that involves its POPs and

12:30:11 21 two COs.

12:30:11 22 A. Yes.

12:30:12 23 Q. Is that something they might call you directly

12:30:15 24 on, or would they work through the ASC first on that?

12:30:18 25 And I'm saying ASC or access service center.

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12:30:22 1 A. The initial point of contact is through me,
12:30:25 2 and we would look at -- I would have to issue a special
12:30:32 3 construction case with the configuration that they're
12:30:35 4 requesting.

12:30:37 5 Q. Okay. So you get off the phone, what's the
12:30:39 6 first thing you do? After you go yahoo and you get off
12:30:44 7 the phone, what do you do?

12:30:47 8 A. I have to issue a special construction case.

12:30:51 9 Q. Is that a form or is that something on-line?

12:30:53 10 A. It's a web based or an on-line tool that I
12:30:59 11 input the nodes that are requested or for the premise
12:31:04 12 and the two COs, what configuration they want, what
12:31:09 13 drops they want at each -- at their location and what
12:31:13 14 the -- at the COs. I would put a price on that from the
12:31:20 15 tariff, and it would be submitted to the NSS department,
12:31:27 16 our network sales support.

12:31:30 17 Q. And what is the name of that electronic system
12:31:32 18 you're using at that point?

12:31:33 19 A. It's WALRSS is the acronym.

12:31:40 20 Q. And what are the letters in the acronym?

12:31:42 21 A. W-A-L-R-R-S.

12:31:45 22 Q. What does it stand for?

12:31:47 23 A. I'm not sure exactly what --

12:31:50 24 Q. But everybody knows it as WALRSS?

12:31:54 25 A. Yes.

12:31:54 1 Q. And that is a system that you can -- you fill
31:59 2 out all the needs that you need for a proposed circuit
12:32:03 3 and it shoots electronically over the NSS for their
12:32:08 4 consideration?

12:32:08 5 A. Yes, they -- yes.

12:32:11 6 Q. And so NSS pops up on their screen, it says,
12:32:15 7 gee, Dwayne Cunningham has a proposal for this type of
12:32:20 8 OC-48 circuit with these nodes, these drops to these
12:32:24 9 COs, and what does the NSS do?

12:32:28 10 A. They get with their network contacts to look
12:32:30 11 at the feasibility of providing the service. It goes
12:32:37 12 through a cost justification to verify if we can provide
12:32:43 13 it and if it is funded, if it meets our funding
12:32:48 14 criteria.

12:32:48 15 Q. And I guess there's two -- two paths you go
12:32:52 16 there. One I guess the NSS could say, yeah, look, we
12:32:57 17 have fiber en route every where we need it, the boxes we
12:33:03 18 need, the equipment at the drops. We are already ready
12:33:08 19 to make it happen. All we need to do is go out and
12:33:11 20 finish up the fiber and maybe change some electronics,
12:33:16 21 but it will be easy to make it happen. Is that one
12:33:19 22 possible case scenario?

12:33:21 23 A. Well, in all new installations it would
12:33:24 24 require electronics being ordered and installed at
33:28 25 the -- at their premise.

12:33:30 1 Q. At the customer premise?

33:32 2 A. At the customer premise. We typically do have

12:33:38 3 to order electronics for the central offices. Fiber

12:33:44 4 would be to the customer premise. We would always -- it

12:33:48 5 would depend on if it's available or not available.

12:33:52 6 Q. Okay.

12:33:52 7 A. And so I mean --

12:33:54 8 Q. So say we have -- the hypo has three nodes,

12:33:57 9 right?

12:33:58 10 A. Right.

12:33:58 11 Q. They would check fiber connectivity -- whether

12:34:03 12 there's fiber already deployed in the field that

12:34:07 13 generally connects all these points together, right?

12:34:10 14 A. Yes.

12:34:10 15 Q. And also the level of available capacity in

12:34:13 16 the boxes that are at the nodes?

12:34:15 17 A. They would check the COs to see if they have

12:34:19 18 any equipment available, and then they would have

12:34:23 19 to, like I say, order the equipment for the premise.

12:34:28 20 Q. And you said that putting in a new circuit

12:34:32 21 regularly involves switching out electronics, ordering

12:34:36 22 new electronics. Why is that?

12:34:39 23 A. If they're ordering a new dedicated ring, that

12:34:43 24 means we do not have the electronics at their premises.

34:48 25 Q. What about the CO?

12:34:49 1 A. You don't know if the -- if another job has
 34:52 2 been canceled in a central office, but traditionally you
 12:34:58 3 would have to order electronics for the central office.
 12:35:02 4 Q. Now, you say electronics. The boxes are such
 12:35:08 5 nowadays that when you say electronics, are you talking
 12:35:13 6 about a better card to put into -- is it the MUX?
 12:35:18 7 A. I'm addressing the OC-48 equipment itself.
 12:35:21 8 Q. So it may need -- you may need to order a
 12:35:26 9 whole OC-48 box?
 12:35:27 10 A. Yes.
 12:35:28 11 Q. You may need to get an OC-48 card for an
 12:35:32 12 OC-192 box?
 12:35:34 13 A. We do not have --
 12:35:36 14 Q. You don't use that?
 12:35:37 15 A. I don't have that scenario at this moment,
 12:35:41 16 because we have --
 12:35:42 17 Q. Available to you?
 12:35:42 18 A. Well, I mean the OC-192s -- let's see, how do
 12:35:52 19 I say this? -- that are installed would have to -- well,
 12:35:59 20 since we are looking at a dedicated ring --
 12:36:02 21 Q. Okay.
 12:36:02 22 A. -- we would use OC-48 electronics at each
 12:36:06 23 node. We would not use an OC-192 drop.
 12:36:14 24 Q. Why is that?
 36:19 25 A. I'm not sure what the current architecture is.

12:36:24 1 We do not have the capabilities to drop electrical DS3s
12:36:30 2 off of 192s, and their typical configurations are for
12:36:38 3 DS3s.

12:36:40 4 Q. An OC-192 box is typically configured for DS3,
12:36:46 5 or OC-48 is?

12:36:47 6 A. An OC-48 can be configured for DS3 OC-3 or
12:36:54 7 OC-12. The OC-192s are currently only for OC-3, OC-12
12:37:02 8 and OC-48.

12:37:05 9 Q. And that's because we are using the
12:37:08 10 hypothetical of on OC-48. If we were using an OC-3, for
12:37:14 11 example, you wouldn't necessarily get an OC-3 box
12:37:17 12 ordered. You can just swap out -- reconfigure another
12:37:19 13 box in the CO to make a drop in an OC-3 to keep it
12:37:24 14 available for you, right?

12:37:25 15 A. Potentially.

12:37:26 16 Q. That would be a matter of changing the
12:37:29 17 electronic at the CO in a box that currently exists?

12:37:33 18 A. It could be reconfiguration required only.

12:37:36 19 Q. Right. I mean, for instance, if you wanted --
12:37:40 20 if you had a -- if you needed a -- to drop off a DS3 to
12:37:45 21 the customer prem and it was already configured for
12:37:50 22 three DS1s, you can have them reconfigure it for you to
12:37:55 23 where it takes a DS3?

12:37:58 24 A. I'm not sure of your question.

12:38:00 25 Q. I'm talking about changing these electronics

12:38:03 1 to make it happen for you. And -- because I get lost at
 12:38:07 2 the OC-48 level, so I'm bringing it down to a basic
 12:38:10 3 level that I can understand. You might have an OC-12
 12:38:15 4 box with the last remaining capacity is broken down into
 12:38:20 5 three DS3s, right? That may be a configuration?

12:38:22 6 A. Yes.

12:38:22 7 Q. And say your customer wants a DS3, not three
 12:38:27 8 DS1s going in there.

12:38:28 9 A. If you're talking OC-3 -- or you said an OC-12
 12:38:33 10 box or -- there is no DS1 drops. And if you have a quad
 12:38:42 11 configured for DS3, that quad would be configured for
 12:38:46 12 DS3s only. You could not split it.

12:38:49 13 Q. You can't do a DS3, a DS3 and then -- three --
 12:38:54 14 or then DS1s?

12:38:55 15 A. You would have --

12:38:56 16 Q. It's not three DS1s. It's more than that,
 17 right?

12:38:59 18 A. It would be 28.

12:39:00 19 Q. 28. So you could do DS3, DS3 and 28 DS1s,
 12:39:05 20 right, out of an OC-12 box? That is one possible
 12:39:10 21 configuration?

12:39:10 22 A. Yes, that is a possible configuration.

12:39:13 23 Q. And if your customer was using -- if SWBT had
 12:39:15 24 its box set up at Qwest as a DS3, DS3 and 28 DS1s and
 12:39:22 25 only the DS1s were not being used at the time and Qwest

12:39:25 1 wanted another DS3, you could put in the order to swap
 12:39:29 2 out the electronics to make it an accepted DS3 and not
 12:39:33 3 be 28 DS1s?

12:39:35 4 A. If it was a customer dedicated ring, Qwest
 12:39:38 5 would have to request the configurations.

12:39:41 6 Q. Right, Qwest is ordering the service.

12:39:44 7 A. Qwest would have to place an order to
 12:39:47 8 reconfigure their existing DS3, DS3 and 28 DS1s. They
 12:39:52 9 would have to place an order to say, I want to convert
 12:39:55 10 it to --

12:39:56 11 Q. Three DS3s?

12 A. Right.

12:39:58 13 Q. That would be something that Qwest would have
 12:40:00 14 to say, we need another DS3; can you make this change?
 12:40:03 15 And you can work through NSS to make that happen?

12:40:06 16 A. Yes, I would have to issue a WALRSS case to
 12:40:10 17 reconfigure any existing configuration.

12:40:12 18 Q. And then NSS would approve the change in
 12:40:16 19 electronics to the remaining DS3?

12:40:18 20 A. Well, they would get with the network to
 12:40:23 21 verify if both ends can be done.

12:40:25 22 Q. Right. Assuming the circuit worked that way,
 12:40:32 23 you can make that change in electronics happen for
 12:40:37 24 Qwest?

12:40:37 25 A. Yes, that is -- you can change out electronics

12:40:41 1 to convert 28 DS1s to one DS3 on an optical system.

12:40:46 2 Q. And changes in -- changes in electronics are
12:40:50 3 done all the time, right, because you can't always
12:40:53 4 predict what the customer is going to need?

12:40:55 5 A. We install based on what Qwest asks us to
12:40:58 6 provide.

12:40:59 7 Q. Right. I take it a step higher, not just
12:41:03 8 Qwest, but your first guess at what the electronics are
12:41:06 9 at the customer prem or at the CO is not always right,
12:41:11 10 because things change in the future, right?

12:41:14 11 A. The -- the -- excuse me. For the customers I
12:41:30 12 handle, the facilities that we place between their POP
12:41:35 13 or their premise and our central office is based on a
12:41:42 14 forecast they provide us or on a request that they
12:41:45 15 provide us.

12:41:45 16 Q. I'm sorry. I didn't understand that. Can you
12:41:47 17 restate that?

12:41:48 18 A. When we install facilities between our central
12:41:52 19 office and a customer POP or prem, that is based on
12:42:00 20 either an order from the customer that tells us what
12:42:04 21 exact configuration they have or a forecast. They say,
12:42:08 22 I need X amount of DS3s, X amount of OC-3s, so...

12:42:15 23 Q. And SWBT --

12:42:17 24 A. That is how we determine how to place
12:42:20 25 facilities.

12:42:21 1 Q. Why does SWBT take into account their forecast
12:42:25 2 when deploying fiber and the equipment at the CO and the
12:42:30 3 customer prem?

12:42:31 4 A. We would look at the forecast for the premise.

12:42:35 5 Q. As stated by the customer?

12:42:37 6 A. Right.

12:42:37 7 Q. Why do you do that?

12:42:49 8 A. That is a practice of Southwestern Bell.

12:42:51 9 Q. Have you assisted in getting, like, your
12:42:57 10 customer's needs known to the group in SWBT that deploys
12:43:04 11 the fiber and equipment at the CO and the customer prem?

12:43:08 12 A. No.

12:43:09 13 Q. You have not been at meetings where they try
12:43:12 14 to communicate -- Qwest or another customer would say,
12:43:14 15 you know, we have got big expansion plans. We need more
12:43:19 16 than a 24-count fiber right here?

12:43:21 17 A. No.

12:43:21 18 Q. Have other account managers been involved in
12:43:24 19 such discussions?

12:43:25 20 A. I do not know.

12:43:26 21 Q. You don't know?

12:43:26 22 A. I don't know if other account managers have
12:43:28 23 had those discussions or not.

12:43:31 24 Q. You mentioned SWBT is taking this into
12:43:35 25 account. How does SWBT find out about the customer's

12:43:41 1 needs?

12:43:41 2 A. Via the special construction cases that are
12:43:46 3 afforded to them they would accumulate the --

12:43:46 4 Q. Is that a forecast or an actual order?

12:43:50 5 A. Both.

12:43:50 6 Q. By definition, a forecast to me doesn't mean
12:43:55 7 that you're actually placing the order now. They're
12:43:58 8 saying that they may be placing the order in the future.

12:44:00 9 A. We would look at building facilities based on
12:44:03 10 the forecast if it --

12:44:05 11 Q. How does SWBT get the customer's forecast?

12:44:09 12 A. They come through me through the WALRSS case.
12:44:13 13 I can place a forecast into the WALRSS case without an
12:44:17 14 actual order and say, customer is looking at wanting --
12:44:22 15 they have a requirement for so many DS3s, so many OC-3s,
12:44:27 16 so many DS1s and I put that through the WALRSS case.

12:44:31 17 Q. Is that the primary way that SWBT learns about
12:44:35 18 this customer forecast?

12:44:37 19 A. Yes.

12:44:45 20 Q. So back to the hypothetical we had talked
12:44:50 21 about. You had sent the WALRSS case to NSS where they
12:44:55 22 would consider the request, given the basic fiber
12:44:58 23 acquired and the node equipment required, et cetera.
12:45:02 24 One option we talked about was when all the equipment is
12:45:05 25 generally in place, other than maybe some minor swapping

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(214) 855-5100 www.dickmandavenport.com (800) 445-9548